

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 2218) TO AMEND THE CHARTER SCHOOL PROGRAM UNDER THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965, AND PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 1892) TO AUTHORIZE APPROPRIATIONS FOR FISCAL YEAR 2012 FOR INTELLIGENCE AND INTELLIGENCE-RELATED ACTIVITIES OF THE UNITED STATES GOVERNMENT, THE COMMUNITY MANAGEMENT ACCOUNT, AND THE CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM, AND FOR OTHER PURPOSES

SEPTEMBER 7, 2011.—Referred to the House Calendar and ordered to be printed

Ms. FOXX, from the Committee on Rules,
submitted the following

R E P O R T

[To accompany H. Res. 392]

The Committee on Rules, having had under consideration House Resolution 392, by a nonrecord vote, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 2218, the Empowering Parents through Quality Charter Schools Act, under a structured rule. The resolution provides one hour of general debate on H.R. 2218 equally divided and controlled by the chair and ranking minority member of the Committee on Education and the Workforce. The resolution waives all points of order against consideration of H.R. 2218. The resolution makes in order the amendment in the nature of a substitute recommended by the Committee Education and the Workforce now printed in the bill as an original bill for purpose of amendment and provides that the amendment shall be considered as read. The resolution waives all points of order against the provisions of H.R. 2218. The resolution further makes in order only those amendments to H.R. 2218 printed in Part A of this report. The resolution provides that each such amendment may be offered only in the order printed in this report, may be offered only by a Member designated in this report, shall be considered as read, shall be debatable for the time specified in this report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against the amendments printed in Part A of this report are waived. The resolution

provides one motion to recommit H.R. 2218 with or without instructions.

The resolution provides for consideration of H.R. 1892, the Intelligence Authorization Act for Fiscal Year 2012, under a structured rule. The resolution provides for one hour of general debate equally divided and controlled by the chair and ranking minority member of the Permanent Select Committee on Intelligence. The resolution waives all points of order against consideration of H.R. 1892. The resolution makes in order as original text for the purpose of amendment an amendment in the nature of a substitute consisting of the Rules Committee Print dated August 31, 2011 and provides that the amendment in the nature of a substitute shall be considered as read. The resolution waives all points of order against the amendment in the nature of a substitute. The resolution makes in order only those amendments to H.R. 1892 printed in Part B of this report. The resolution provides that each such amendment may be offered only in the order printed in this report, may be offered only by a Member designated in this report, shall be considered as read, shall be debatable for the time specified in this report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The resolution waives all points of order against the amendments printed in Part B of this report. The resolution provides that the chairman of the Permanent Select Committee on Intelligence or his designee may offer amendments en bloc consisting of amendments printed in Part B of this report not earlier disposed of. Amendments en bloc shall be considered as read, shall be debatable for 10 minutes equally divided and controlled by the chairman and ranking minority member of the Permanent Select Committee on Intelligence or their designees, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The original proponent of an amendment included in such amendments en bloc may insert a statement in the Congressional Record immediately before the disposition of the amendments en bloc. The resolution provides for one motion to recommit H.R. 1892 with or without instructions.

Section 3 of the resolution provides that a motion to proceed with regard to a joint resolution of disapproval specified in subsection (a)(1) of section 3101A of title 31, United States Code shall be in order only if offered by the Majority Leader or his designee and may be offered even following the sixth day specified in subsection (c)(3) of such section but not later than the legislative day of September 14, 2011.

EXPLANATION OF WAIVERS

Although the resolution waives all points of order against consideration of H.R. 2218, the Committee is not aware of any points of order against its consideration. The waiver of all points of order against consideration is prophylactic.

Although the resolution waives all points of order against the committee amendment in the nature of a substitute to H.R. 2218, the Committee is not aware of any points of order against the

amendment in the nature of a substitute. The waiver or all points of order is prophylactic.

Although the resolution waives all points of order against the amendments printed in Part A of this report, the Committee is not aware of any points of order against the amendments. The waiver of all points of order is prophylactic in nature.

The waiver of all points of order against consideration of H.R. 1892 includes a waiver of clause 3(c)(4) of rule XIII, which requires a statement of general performance goals and objectives, including outcome-related goals and objections, for which the measure authorizes funding.

The waiver of all points of order against the Rules Committee Print of H.R. 1892 dated August 31, 2011 includes:

A waiver of clause 4 of rule XXI, which prohibits a bill or joint resolution carrying an appropriation from being reported by a committee not having jurisdiction to report appropriations. Section 433 of the Rules Committee Print falls within the jurisdiction of the Committee on Appropriations.

A waiver of clause 7 of rule XVI because the Rules Committee Print of H.R. 1892 includes provisions that are not germane to the bill as reported by the Permanent Select Committee on Intelligence.

Although the resolution waives all points of order against the amendments printed in Part B of this report, the Committee is not aware of any points of order. The waiver of all points of order is prophylactic.

It is important to note that the estimate provided by the Congressional Budget Office (CBO) to the Permanent Select Committee on Intelligence and the Committee on the Budget is incomplete due to the fact that CBO is only permitted to score the unclassified portions of the bill. Because the estimate is incomplete, the Chairman of the Committee on the Budget is unable to accurately advise the Chair on budget related points of order.

COMMITTEE VOTES

The results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

Rules Committee record vote No. 126

Motion by Mr. McGovern to amend the rule to H.R. 2218 to make in order and provide the appropriate waivers for amendment #10, offered by Rep. Peters (MI), which would add post-secondary persistence and graduation rates to the criteria used to measure the progress of charter schools. Defeated: 4–6.

Majority Members	Vote	Minority Members	Vote
Mr. Sessions	Nay	Ms. Slaughter	Yea
Ms. Foxx	Nay	Mr. McGovern	Yea
Mr. Woodall	Nay	Mr. Hastings of Florida	Yea
Mr. Nugent	Nay	Mr. Polis	Yea
Mr. Webster	Nay		
Mr. Dreier, Chairman	Nay		

Rules Committee record vote No. 127

Motion by Mr. Hastings of Florida to amend the rule to H.R. 2218 to make in order and provide the appropriate waivers for the amendment #7, offered by Rep. Garamendi (CA), which would give priority to eligible entities that plan to use materials made in America for the construction and renovation of school facilities. Defeated: 4–6.

Majority Members	Vote	Minority Members	Vote
Mr. Sessions	Nay	Ms. Slaughter	Yea
Ms. Foxx	Nay	Mr. McGovern	Yea
Mr. Woodall	Nay	Mr. Hastings of Florida	Yea
Mr. Nugent	Nay	Mr. Polis	Yea
Mr. Webster	Nay		
Mr. Dreier, Chairman	Nay		

SUMMARY OF AMENDMENTS IN PART A TO BE MADE IN ORDER

1. Kline, John (MN), Miller, George (CA): Would make technical and clarifying corrections to the bill as reported out of Committee. Would make additional policy changes to improve the Charter School Program, including provisions regarding parent input, annual grants, education for at-risk students, diverse charter school models, transportation needs, high quality applicants, and school lunch participants. (10 minutes)

2. Davis, Susan (CA): Would add to the purpose section of H.R. 2218 the importance of innovation in public education to prepare students to compete in the global economy. (10 minutes)

3. Paulsen (MN), Polis (CO): Would change the duration of Subgrants in the Grant Limitations Section from 5 years to 3 years to allow successful and eligible operating schools to replicate and expand faster. The school must demonstrate successful operation data for no less than 3 years. (10 minutes)

4. Luján (NM): Would add to the requirement that applicants include in their application a description of how a charter school program would share best and promising practices between charter schools and other public schools, by including in that description how they would share best practices in instruction and professional development in technology, engineering, and math education where appropriate. (10 minutes)

5. Polis (CO): Would promote innovation and quality in charter schools by adding a priority to states that allow charter school authorizers besides local educational agencies. (10 minutes)

6. Moore, Gwen (WI): Would strike “governor of a state” from the definition of “state entity” on page 20, thus removing Governors’ eligibility to apply for federal grant funding to oversee charter school operations in their states. (10 minutes)

7. Holt (NJ): Would encourage the Secretary of Education to include a priority for green school building practices in the application for states to ensure that federal investment in charter school facilities would be energy efficient and environmentally friendly. (10 minutes)

8. King, Steve (IA): Would strike subparagraph (d) of subsection (6) of Sec. (9) which is part of the definition of “high quality charter schools.” Would strike the following language: “(D) has demonstrated success in increasing student academic achievement for

the subgroups of students described in section 1111(b)(2)(C)(v)(II).” (10 minutes)

SUMMARY OF AMENDMENTS IN PART B TO BE MADE IN ORDER

1. Rogers, Mike (MI): Would make various modifications and technical corrections including: 1) clarifies the language contained in section 102 that would limit distribution of the classified annex to ensure that the Executive Branch may distribute within the Executive Branch as necessary to implement the budget; 2) strikes section 307 concerning amendments to provisions requiring certain information be provided to Congress prior to transfer of detainees so as to maintain the process in current law; 3) strikes section 309 concerning a requirement that the DNI provide certain State Department documents related to detainees; 4) clarifies that decisions made pursuant to the authority in section 310 may not be delegated to an official below the level of the service acquisition executive for the agency concerned; 5) adds a new section that would permit the President to make temporary appointments to fill vacancies in offices within the Office of the Director of National Intelligence that require Senate confirmation (except the DNI, for whom by Section 103A(a)(6) of the National Security Act of 1947 the Principal Deputy DNI is next in line) with a senior official who serves in another element of the Intelligence Community; and 6) strikes section 421, which requires confirmation of the Director of the National Security Agency. (10 minutes)

2. Wolf (VA): Would create a “Team B”—a counterterrorism competitive analysis council of outside experts—to continuously advise the Director of National Intelligence and the Congress on how best to revise plans, operations, concepts, organizations, and capabilities across the intelligence community in response to the evolving threat of terrorism and domestic radicalization. (10 minutes)

3. Hinchey (NY): Would require the Director of National Intelligence (DNI) to report to the House and Senate Intelligence panels on information it has regarding the human rights violations of the military government in Argentina that resulted in 30,000 disappearances between the mid-1970’s and mid-1980’s. (10 minutes)

4. Cuellar (TX): Would direct each agency that deals with classified documents to report to Congress within 1 year potential security risks associated with the acquisition of computer hardware. The report would include recommendations of what steps need to be taken to ensure computer hardware that is acquired for use with classified documents is not at risk being used to disclose information to outside sources. (10 minutes)

5. Holt (NJ): Would direct the Director of National Intelligence to submit to Congress not more than 180 days after enactment a National Intelligence Estimate on the impact of the recent revolutions in North Africa and the Middle East on the security of the State of Israel. (10 minutes)

6. Hunter (CA): Would require the Director of National Intelligence and the Secretary of Defense to establish a coordinated strategy utilizing all available personnel and assets for intelligence collection and analysis to identify and counter network activity and operations in Pakistan and Afghanistan relating to the development and use of improvised explosive devices. (10 minutes)

7. Carney (DE): Would express the sense of Congress that railway transportation security has been and must continue to be a priority of the intelligence community in infrastructure threat assessment, namely through the coordination of the Office of Intelligence & Analysis. (10 minutes)

8. Cuellar (TX): Would require the National Security Strategy Report include outlining efficiencies, cost saving mechanism, and methods to streamline national defense, and homeland security intelligence capabilities. (10 minutes)

9. Keating (MA): Would include Sense of Congress language to encourage the Secretary of Homeland Security, in consultation with the Director of National Intelligence, to integrate the intelligence-sharing capabilities of fusion centers and leverage participation from all intelligence, law enforcement and homeland security agencies to prevent acts of terrorism against the United States in a manner consistent with the Constitution. (10 minutes)

A—TEXT OF AMENDMENTS IN PART A MADE IN ORDER

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE KLINE OF MINNESOTA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 4, beginning on line 6, strike “English language learners” and insert “limited English proficient students”.

Page 5, line 19, insert “or subpart 2” after “this subpart”.

Page 7, line 16, insert “GRANT NUMBER AND AMOUNT,” after “REVIEW,”.

Page 7, line 17, insert “; WAIVERS” after “PROJECTS”.

Page 8, after line 6, insert the following:

“(3) GRANT NUMBER AND AMOUNT.—The Secretary shall ensure that the number of grants awarded under this section and the award amounts will allow for a sufficient number of new grants to be awarded under this section for each succeeding fiscal year.”.

Page 8, line 7, redesignate paragraph (3) as paragraph (4).

Page 8, after line 15, insert the following:

“(5) WAIVERS.—The Secretary may waive any statutory or regulatory requirement over which the Secretary exercises administrative authority except any such requirement relating to the elements of a charter school described in section 5210(1), if—

“(A) the waiver is requested in an approved application under this section; and

“(B) the Secretary determines that granting such a waiver will promote the purpose of this subpart.”.

Page 11, line 16, strike “English language learners” and insert “limited English proficient students”.

Page 12, line 5, strike “expanding” and insert “the expansion of”.

Page 12, line 7, insert “of” before “how”.

Page 12, line 17, strike “and”.

Page 13, after line 2, insert the following:

“(III) a description of how the eligible applicant will solicit and consider input from parents and other members of the community on the implementation and operation of each charter school receiving funds under the entity’s program; and”

Page 13, line 4, strike “and”.

Page 13, line 9, strike the period and insert “; and”.

Page 13, after line 9, insert the following:

“(E) of how the entity will help the charter schools receiving funds under the entity’s program consider the transportation needs of the schools’ students; and

“(F) of how the entity will support diverse charter school models, including models that serve rural communities.”.

Page 13, line 22, strike “the charter school” and insert “each charter school”.

Page 14, line 1, strike “and”.

Page 14, line 2, insert before the semicolon, “, the Age Discrimination Act of 1975, and title IX of the Education Amendments of 1972”.

Page 14, beginning on line 3, strike “the schools” and insert “each charter school”.

Page 14, beginning on line 6, strike “English language learners” and insert “limited English proficient students”.

Page 14, line 7, insert “and” after the semicolon.

Page 14, after line 7, insert the following:

“(iii) ensures that each charter school solicits and considers input from parents and other members of the community on the implementation and operation of the school;”.

Page 14, line 15, strike “English language learners” and insert “limited English proficient students”.

Page 14, beginning on line 22, amend clause (i) to read as follows:

“(i) assessing annual performance data of the schools, including, as appropriate, graduation rates and student growth; and”.

Page 15, line 8, strike “and”.

Page 15, line 12, strike the period at the end and insert “; and”.

Page 15, after line 12, insert the following:

“(G) the entity will ensure that each charter school in the State make publicly available, consistent with the dissemination requirements of the annual State report card, the information parents need to make informed decisions about the educational options available to their children, including information on the educational program, student support services, and annual performance and enrollment data for the groups of students described in section 1111(b)(2)(C)(v)(II).”.

Page 16, line 17, insert “proposed” before “number”.

Page 17, line 7, strike “and”.

Page 17, line 10, strike the period at the end and insert “; and”.

Page 17, insert after line 10, the following:

“(I) the entity’s plan to solicit and consider input from parents and other members of the community on the implementation and operation of the charter schools in the State.”.

Page 18, beginning on line 7, strike subparagraph (D).

Page 18, line 9, redesignate subparagraph (E) as subparagraph (D).

Page 18, line 13, redesignate subparagraph (F) as subparagraph (E).

Page 18, line 18, redesignate subparagraph (G) as subparagraph (F).

Page 18, line 20, strike the comma after “factors”.

Page 19, line 2, strike “English language learners” and insert “limited English proficient students”.

Page 19, after line 2, insert the following:

“(G) The State entity supports charter schools that support at-risk students through activities such as dropout prevention or dropout recovery.

“(H) The State entity authorizes all charter schools in the State to serve as school food authorities.”.

Page 19, line 12, insert “by each subgrant awarded under this section” after “number of students served”.

Page 19, line 14, strike “grant” and insert “subgrant”.

Page 20, line 10, strike “in which the subgrants were awarded” and insert “that received subgrants under this section”.

Page 20, line 23, strike “not less than 3 grants to eligible entities that have” and insert “grants to eligible entities that have the highest-quality”.

Page 20, line 24, after “subsection (d)” insert “, after considering the diversity of such applications,”

Page 21, beginning on line 11, amend subsection (b) to read as follows:

“(b) GRANTEE SELECTION.—The Secretary shall evaluate each application submitted under subsection (d), and shall determine whether the application is sufficient to merit approval.”.

Page 26, beginning on line 2, strike “subsection” and insert “paragraph”.

Page 32, line 23, strike “To” and insert “Except as provided in clause (ii), to”.

Page 33, line 7, strike “A” and insert “Notwithstanding clause (i), a”.

Page 33, line 10, insert “, but which does not have a per-pupil facilities aid program for charter schools specified in State law,” after “space”.

Page 34, line 7, insert “, and eligible entities and States receiving grants under section 5204” before the semicolon.

Page 36, line 8, strike “inserting” and insert “adding”.

Page 37, line 4, strike “subgroups” and insert “groups”.

2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE DAVIS OF CALIFORNIA OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 3, line 17, redesignate paragraph (1) as paragraph (2), and insert the following:

“(1) improve the United States education system and educational opportunities for all Americans by supporting innovation in public education in public school settings that prepare students to compete and contribute to the global economy;”.

Page 3, line 20, redesignate paragraph (2) as paragraph (3).

Page 3, line 22, redesignate paragraph (3) as paragraph (4).

Page 4, line 1, redesignate paragraph (4) as paragraph (5).

Page 4, line 5, redesignate paragraph (5) as paragraph (6).

Page 4, line 10, redesignate paragraph (6) as paragraph (7).

3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE PAULSEN OF MINNESOTA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 8, line 22, after “period” insert “, unless the eligible applicant demonstrates to the State entity not less than 3 years of improved educational results in the areas described in subparagraphs (A) and (D) of section 5210(6) for students enrolled in such charter school”.

4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE LUJÁN OF NEW MEXICO OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 11, line 12, insert before the semicolon “, including, where appropriate, instruction and professional development in science, math, technology, and engineering education”.

5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE POLIS OF COLORADO OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 17, beginning on line 14, strike subparagraph (A), and insert the following:

“(A) In the case of a State entity located in a State that allows an entity other than a local educational agency to be an authorized public chartering agency, the State has a quality authorized public chartering agency that is an entity other than a local educational agency.”.

6. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MOORE OF WISCONSIN OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 20, line 13, insert “or” after the semicolon.
Page 20, line 14, strike “; or” and insert a period.
Page 20, line 15, strike paragraph (3).

7. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HOLT OF NEW JERSEY OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 33, after line 19, insert the following:

“(6) PRIORITY.—In awarding grants under this subsection, the Secretary is encouraged to give priority to States that encourage green school building practices and certification.”.

8. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE KING OF IOWA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 36, line 22, insert “and” after the semicolon.
Page 37, line 2, strike “; and” and insert a period.
Page 37, beginning on line 3, strike subparagraph (D).

B—TEXT OF AMENDMENTS IN PART B MADE IN ORDER

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE ROGERS OF MICHIGAN OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 5, strike lines 9 through 14 and insert the following:

(3) LIMITS ON DISCLOSURE.—The President shall not publicly disclose the classified Schedule of Authorizations or any portion of such Schedule except—

(A) as provided in section 601(a) of the Implementing Recommendations of the 9/11 Commission Act of 2007 (50 U.S.C. 415c)

(B) to the extent necessary to implement the budget; or

(C) as otherwise required by law.

Page 5, line 17, insert “the Director of” before “the Federal Bureau of Investigation”.

Strike section 307 (page 15, line 1 through page 16, line 18).

Strike section 309 (page 18, line 17 through page 19, line 16).

Page 24, after line 15 insert the following:

(d) DELEGATION.—The head of a covered agency may not delegate the authority provided in subsection (b) or the responsibility to make a determination under subsection (c) to an official below the level of the service acquisition executive for the agency concerned.

At the end of subtitle A of title IV (page 30, after line 18), add the following new section:

SEC. 405. TEMPORARY APPOINTMENT TO FILL VACANCIES WITHIN OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

Section 103 of the National Security Act of 1947 (50 U.S.C. 403–3) is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection:

“(e) TEMPORARY FILLING OF VACANCIES.—With respect to filling temporarily a vacancy in an office within the Office of the Director of National Intelligence (other than that of the Director of National Intelligence), section 3345(a)(3) of title 5, United States Code, may be applied—

“(1) in the matter preceding subparagraph (A), by substituting ‘an element of the intelligence community, as that term is defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)),’ for ‘such Executive agency’; and

“(2) in subparagraph (A), by substituting ‘the intelligence community’ for ‘such agency’.”.

Strike section 421 (page 43, line 14 through page 45, line 9).

2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE WOLF OF VIRGINIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title III, add the following:

SEC. 312. ESTABLISHMENT OF COUNTERTERRORISM COMPETITIVE ANALYSIS COUNCIL.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) terrorism and domestic radicalization represent evolving, dynamic, multidimensional threats that necessitate a struc-

tured, iterative process to continuously revise plans, operations, concepts, organizations, and capabilities; and

(2) past federal experience in competitive analysis executed by experts drawn from outside the government has helped the intelligence community and policymakers better understand the nature of complex threats to the United States.

(b) ESTABLISHMENT.—Title I of the National Security Act of 1947 (50 U.S.C. 401 et. seq.) is amended by adding at the end the following:

“COUNTERTERRORISM COMPETITIVE ANALYSIS COUNCIL

“SEC. 120. (a) ESTABLISHMENT.—There is established a council to be known as the ‘Counterterrorism Competitive Analysis Council’ (in this section referred to as the ‘Council’).

“(b) DUTIES.—The Council shall—

“(1) advise the Director of National Intelligence on matters of policy relating to the threats of international terrorism and domestic radicalization based on all-source information;

“(2) prepare a competitive analysis of each national intelligence estimate concerning al-Qaeda and other foreign terrorist organizations and submit such analysis to the Director of National Intelligence and the National Intelligence Council; and

“(3) annually submit to Congress a report in unclassified form, which may include a classified annex, on trends in counterterrorism and domestic radicalization, including a summary of any competitive analysis prepared pursuant to paragraph (2).

“(c) MEMBERS.—(1) The Council shall be composed of eight members appointed by the Director of National Intelligence, in consultation with the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate. Members shall be selected on the basis of previous experience with matters of policy relating to international terrorism and domestic radicalization.

“(2)(A) The Director of National Intelligence may not appoint an individual to the Council if such individual has served as an officer or employee of the Federal Government within a five-year period of the date of appointment.

“(B) The Director of National Intelligence may not appoint an individual to the Council if—

“(i) such individual has served as an officer or employee of the Federal Government within a 15-year period of the date of appointment; and

“(ii) on the date of appointment, three of the members of the Council have served as officers or employees of the Federal Government within a 15-year period of the date of appointment.

“(3) The term of a member is five years, and a member may not serve more than two terms, except that a member appointed to fill a vacancy may serve two additional terms after the expiration of the term in which that vacancy occurred.

“(4) Any member appointed to fill a vacancy occurring before the expiration of a term shall be appointed for the remainder of that term.

“(5) Every two years, the Council shall select a chair and vice chair from among its members.

“(6) To the extent provided in advance in appropriation Acts, each member shall be paid at a rate not to exceed the annual rate of basic pay for level V of the Executive Schedule under section 5316 of title 5, United States Code.

“(7) Any member of the Council may, if authorized by the Council, take any action which the Council is authorized to take by this section.

“(d) STAFF OF COUNCIL.—(1) To the extent provided in advance in appropriation Acts, the Council shall appoint and fix the compensation of a Director and such additional staff as may be necessary to enable the Council to carry out its duties.

“(2) The Director and staff of the Council may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except that the rate of pay fixed for the Director and staff may not exceed the annual rate of basic pay for level V of the Executive Schedule under section 5316 of title 5, United States Code.

“(3) In accordance with rules adopted by the Council, and to the extent provided in advance in appropriation Acts, the Council may procure the services of experts and consultants under section 3109(b) of title 5, United States Code, but at rates for individuals not to exceed the daily equivalent of the annual rate of basic pay for level V of the Executive Schedule under section 5316 of title 5, United States Code.

“(e) ACCESS TO INTELLIGENCE INFORMATION.—(1) The Director of National Intelligence shall transmit to the Council each national intelligence estimate concerning al-Qaeda and other foreign terrorist organizations.

“(2) Upon request of the Council, the Director of National Intelligence shall make available to the Council any intelligence information in the possession of the intelligence community.

“(3) The Director of National Intelligence shall ensure that the appropriate executive departments and agencies cooperate with the Council in expeditiously providing to the members and staff appropriate security clearances in a manner consistent with existing procedures and requirements.

“(f) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—Section 14(a)(2)(B) of the Federal Advisory Committee Act (5 U.S.C. App.), relating to the termination of advisory committees, shall not apply to the Council.

“(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$5,000,000 for each of fiscal years 2012 through 2017. No amount is authorized to carry out this section for a fiscal year unless the appropriation for the Office of the Director of National Intelligence for such fiscal year is reduced by an amount equal to the amount appropriated to carry out this section for such fiscal year”.

(c) INITIAL REPORT.—The initial report required to be submitted under section 120(b)(2) of the National Security Act of 1947, as

added by subsection (a), shall be filed not later than 1 year after the date of the enactment of this Act.

(d) CLERICAL AMENDMENT.—The table of contents of the National Security Act of 1947 (50 U.S.C. 401 et. seq.) is amended by inserting after the item relating to section 119B the following:

“Sec. 120. Counterterrorism Competitive Analysis Council.”.

3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HINCHEY OF NEW YORK OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title III (page 26, after line 6), add the following new section:

SEC. 312. REPORT ON ACTIVITIES OF THE INTELLIGENCE COMMUNITY IN ARGENTINA.

(a) IN GENERAL.—Not later than 270 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the appropriate congressional committees a report containing the following:

(1) A description of any information in the possession of the intelligence community with respect to the following events in the Republic of Argentina:

(A) The accession to power by the military of the Republic of Argentina in 1976.

(B) Violations of human rights committed by officers or agents of the Argentine military and security forces during counterinsurgency or counterterror operations, including by the State Intelligence Secretariat (Secretaria de Inteligencia del Estado), Military Intelligence Detachment 141 (Destacamento de Inteligencia Militar 141 in Cordoba), Military Intelligence Detachment 121 (Destacamento Militar 121 in Rosario), Army Intelligence Battalion 601, the Army Reunion Center (Reunion Central del Ejercito), and the Army First Corps in Buenos Aires.

(C) Operation Condor and Argentina’s role in cross-border counterinsurgency or counterterror operations with Brazil, Bolivia, Chile, Paraguay, or Uruguay.

(2) Information on abductions, torture, disappearances, and executions by security forces and other forms of repression, including the fate of Argentine children born in captivity, that took place at detention centers, including the following:

(A) The Argentine Navy Mechanical School (Escuela Mecanica de la Armada).

(B) Automotores Orletti.

(C) Operaciones Tacticas 18.

(D) La Perla.

(E) Campo de Mayo.

(F) Institutos Militares.

(3) An appendix of declassified records reviewed and used for the report submitted under this subsection.

(4) A descriptive index of information referred to in paragraph (1) or (2) that is classified, including the identity of each document that is classified, the reason for continuing the classification of such document, and an explanation of how the release of the document would damage the national security interests of the United States.

(b) **REVIEW OF CLASSIFIED DOCUMENTS.**—Not later than two years after the date on which the report required under subsection (a) is submitted, the Director of National Intelligence shall review information referred to in paragraph (1) or (2) of subsection (a) that is classified to determine if any of such information should be declassified.

(c) **FORM.**—The report required under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(d) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “appropriate congressional committees” means the Permanent Select Committee on Intelligence and the Committee on Appropriations of the House of Representatives and the Select Committee on Intelligence and the Committee on Appropriations of the Senate.

4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CUELLAR OF TEXAS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title III, add the following new section:

SEC. 312. REPORT ON SECURITY RISK FOR CLASSIFIED DOCUMENTS.

(a) **REPORT.**—Not later than one year after the date of the enactment of this Act, the head of each element of the intelligence community shall submit to Congress a report on the potential security risks associated with computer hardware acquired for use with classified information, including recommendations of what steps need to be taken to ensure such computer hardware will not be used to disclose classified information to an unauthorized person.

(b) **TESTING REQUIRED.**—The head of each element of the intelligence community shall, before using any computer hardware acquired for use with classified information, test such hardware to ensure such hardware provides for the proper security of classified information.

5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HOLT OF NEW JERSEY OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle A of title IV, add the following new section:

SEC. 405. NATIONAL INTELLIGENCE ESTIMATE ON THE IMPACT OF REVOLUTIONS IN NORTH AFRICA AND THE MIDDLE EAST.

Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a national intelligence estimate on the impact of the recent revolutions in North Africa and the Middle East on the security of the State of Israel.

6. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HUNTER OF CALIFORNIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

After section 501 (page 51, after line 18), insert the following new section:

SEC. 502. STRATEGY TO COUNTER IMPROVISED EXPLOSIVE DEVICES.

(a) **STRATEGY.**—

(1) ESTABLISHMENT.—The Director of National Intelligence and the Secretary of Defense shall establish a coordinated strategy utilizing all available personnel and assets for intelligence collection and analysis to identify and counter network activity and operations in Pakistan and Afghanistan relating to the development and use of improvised explosive devices.

(2) CONTENTS.—The strategy established under paragraph (1) shall identify—

(A) the networks that design improvised explosive devices, provide training on improvised explosive device assembly and employment, and smuggle improvised explosive device components into Afghanistan;

(B) the persons and organizations not directly affiliated with insurgents in Afghanistan who knowingly enable the movement of commercial products and material used in improvised explosive device construction from factories and vendors in Pakistan into Afghanistan;

(C) the financiers, financial networks, institutions, and funding streams that provide resources to the insurgency in Afghanistan; and

(D) the links to military, intelligence services, and government officials who are complicit in allowing the insurgent networks in Afghanistan to operate.

(b) REPORT AND IMPLEMENTATION.—Not later than 120 days after the date of the enactment of this Act, the Director of National Intelligence and the Secretary of Defense shall—

(1) submit to the congressional intelligence committees and the Committees on Armed Services of the House of Representatives and the Senate a report containing the strategy established under subsection (a); and

(2) implement such strategy.

7. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CARNEY OF DELAWARE OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Insert after section 501 the following new section:

SEC. 502. SENSE OF CONGRESS REGARDING THE PRIORITY OF RAILWAY TRANSPORTATION SECURITY.

It is the sense of Congress that—

(1) the nation's railway transportation (including subway transit) network is broad and technically complex, requiring robust communication between private sector stakeholders and the intelligence community to identify, monitor, and respond to threats;

(2) the Department of Homeland Security Office of Intelligence and Analysis maintains a constructive relationship with other Federal agencies, state and local governments, and private entities to safeguard our railways; and

(3) railway transportation security (including subway transit security) should continue to be prioritized in the critical infrastructure threat assessment developed by the Office of Intelligence and Analysis and included in threat assessment budgets of the intelligence community.

8. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CUELLAR
OF TEXAS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Insert after section 501 (page 51, after line 18) the following new section:

SEC. 502. INCLUSION OF EFFICIENCIES AND COST SAVINGS IN ANNUAL NATIONAL SECURITY STRATEGY REPORT.

Section 108(b) of the National Security Act of 1947 (50 U.S.C. 404a(b)) is amended by adding at the end the following new paragraph:

“(6) Efficiencies, cost saving mechanisms, and methods to streamline national, defense, and homeland security intelligence capabilities.”.

9. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE KEATING
OF MASSACHUSETTS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

After section 501 (page 51, after line 18), insert the following new section:

SEC. 502. SENSE OF CONGRESS REGARDING INTEGRATION OF FUSION CENTERS.

It is the sense of Congress that ten years after the terrorist attacks upon the United States on September 11, 2001, the Secretary of Homeland Security, in consultation with the Director of National Intelligence, should continue to integrate and leverage fusion centers to enlist all of the intelligence, law enforcement, and homeland security capabilities of the United States in a manner that is consistent with the Constitution to prevent acts of terrorism against the United States.